

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

ROBERT WILLIAMS, JR.,

Civil No. 08-4706 MJD/SRN

Plaintiff,

v.

ORDER

JESSICA SIMMS, (Warden),

Defendant.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated September 17, 2008. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Plaintiff's application for leave to proceed in forma pauperis, (Docket No. 2), is **DENIED**; and
2. This action is **DISMISSED WITHOUT PREJUDICE**.

DATED: October 14, 2008.

s/Michael J. Davis
Chief Judge Michael J. Davis
United States District Court Judge